

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2007-46
January 23, 2007

SUBJECT: Establishment - Medical Assistance Administration Pharmacy and Therapeutics Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(2), it is hereby **ORDERED** that:

- I. **Establishment:** There is hereby established in the Department of Health, Medical Assistance Administration (MAA), the MAA Pharmacy and Therapeutics Committee (Committee).
- II. **Mission:** The mission of the Committee shall be to formulate and recommend policies regarding the evaluation, selection, and therapeutic use of drugs, incorporating a best practice approach to establishing and maintaining a District of Columbia Preferred Drug List (PDL).
- III. **Composition:** The Committee shall be composed of fifteen (15) members. Eleven (11) members shall be members of the public who are practicing physicians or pharmacists, a nurse or physician's assistant, and a Medicaid advocate, all of whom shall be voting members. Four (4) members shall be *ex officio* members, three (3) of whom shall be non-voting members. All members shall be appointed by and serve at the pleasure of the Senior Deputy Director of the MAA. A list of Committee members shall be maintained in the office of the Senior Deputy Director at the MAA and shall be made available to the public upon written request. The Committee shall be composed of the following:
 - (a) Four (4) practicing physicians who serve Medicaid clients;
 - (b) Four (4) practicing pharmacists who serve the Medicaid population;
 - (c) One (1) practicing physician who shall be an expert in the care of the elderly or disabled;
 - (d) One (1) nurse or physician's assistant who serves the Medicaid population;
 - (e) One (1) advocate who shall be a resident of the District of Columbia and who advocates for the needs of the Medicaid population of the District of Columbia;
 - (f) One (1) *ex-officio* (voting) member consisting of the MAA Medical Director; and
 - (g) Three (3) *ex-officio* members (non-voting) consisting of two (2) MAA pharmacists (agency staff) and one (1) agency representative.

IV. **Conflict of Interest:** Candidates for Committee membership shall sign a conflict of interest statement delineating economic or other relationships (e.g., contracts, employment, grants, etc.) with entities affected by drug coverage decisions that potentially influence Committee decisions. If a conflict of interest arises for any Committee member regarding an entity potentially affected by drug coverage decisions, the member shall immediately disclose the conflict and recuse himself or herself from deliberation, debate, or making recommendations and from participating in the decision-making process in any way.

V. **Terms:** The MAA Senior Deputy Director shall initially appoint six (6) of the Committee's public members for an initial term of three (3) years and five (5) of the public members for an initial term of two (2) years. After the initial term, subsequent terms shall be for two (2) years. Committee members shall not be appointed for more than a total of three (3) terms. The *ex-officio* members shall serve for an indeterminate term.

- (a) The MAA Senior Deputy Director shall appoint one (1) *ex-officio* member to serve as one (1) of two (2) Committee Co-Chairs. The MAA Medical Director shall serve as one of the Co-Chairs and shall be a voting member.
- (b) The MAA Senior Deputy Director shall appoint members to fill the remainder of unexpired terms, as vacancies occur.
- (c) A Committee member shall not serve beyond his or her term unless reappointed by the MAA Senior Deputy Director.
- (d) A Committee member shall be allowed an excused absence from a meeting in the case of an emergency. Any member who fails to attend three (3) consecutive meetings shall be removed from the Committee after written notice by one of the Co-Chairs. Removal of a Committee member shall create a vacancy.
- (f) Committee members may resign from Committee membership by submitting written notice to the Co-Chairs.

VI. **Meetings:** The Committee shall meet quarterly at a time and place established by the Co-Chairs. Members shall receive written notice of the date, time, place, and agenda of a scheduled meeting not less than fourteen (14) days before a meeting.

- (a) All Committee meetings shall be open to the public.
- (b) The presence of seven (7) voting members shall constitute a quorum.
- (c) If any vote fails to achieve a majority decision, the MAA Medical Director shall cast the deciding vote.
- (d) Notice of any meeting shall be published in the *District of Columbia Register*.
- (e) Interested and affected parties shall have the opportunity to provide written comment on all Committee actions.

VII. **Compensation:** All members of the Committee shall serve without additional compensation, except that a public member may be reimbursed for reasonable expenses incurred in the authorized execution of official Committee duties, if approved in advance by the MAA Senior Deputy Director, or his or her designee, and subject to the availability of appropriations.

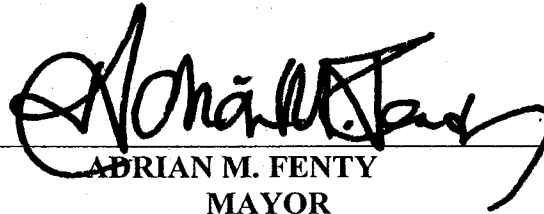
VIII. **Duties:** The Committee shall:

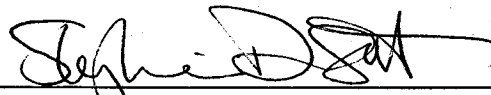
- (a) Review the practices and policies for formulary management activities, such as prior authorizations, step therapies, quantity limitations, generic substitutions, and other drug utilization activities that affect access.
- (b) Establish and document procedures to assure appropriate drug review and inclusion.
- (c) Base their recommendations on scientific evidence and standards of practice, including peer reviewed medical literature, well-established clinical practice guidelines, pharmacoeconomic studies, as well as other sources of appropriate information.
- (d) Make recommendations regarding therapeutic advantages of drugs in terms of safety and efficacy when selecting formulary drugs and placing them on formulary tiers.
- (e) Approve inclusion or exclusion of the therapeutic classes in the formulary on an annual basis.
- (f) Review and act on any other policy matters that impact the District of Columbia PDL.

IX. **Administration:** The MAA shall be responsible for implementing recommendations regarding the operation and structure of the District of Columbia PDL.

X. **Applicability Date:** The Committee shall begin operating in accordance with this Order after the initial eleven (11) public members have been sworn in.

XI. **EFFECTIVE DATE:** This order shall take effect immediately.


ADRIAN M. FENTY
MAYOR

ATTEST: 
STEPHANIE D. SCOTT
ACTING SECRETARY OF THE DISTRICT OF COLUMBIA

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL**



Legal Counsel Division



MEMORANDUM

**TO: Kenneth B. Campbell
General Counsel
Department of Health**

**FROM: Wayne C. Witkowski
Deputy Attorney General
Legal Counsel Division**

WCW

DATE: January 8, 2007

**SUBJECT: Legal Sufficiency Review of Draft Mayor's Order to Establish the Medical Assistance Administration Pharmacy and Therapeutics Committee
(AM-06-733) (MID 191338)**

This responds to your December 18, 2006 memorandum, by which you request that this Office review the above-referenced draft Mayor's Order (Order) for legal sufficiency.

The Order¹ would establish within the Department of Health, Medical Assistance Administration (MAA), a Pharmacy and Therapeutics Committee (Committee). The Committee's mission would be to formulate and recommend policies regarding the evaluation, selection, and therapeutic use of drugs, incorporating a best practice approach to establishing and maintaining a District of Columbia Preferred Drug List.²

I find the attached revised Order³ to be legally sufficient.⁴

¹ The Order is authorized by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, D.C. Official Code § 1-204.22(2) (2001).

² See 42 U.S.C. § 1396r-8(d)(4)(A), which requires that a formulary be "developed by a committee consisting of physicians, pharmacists, and other appropriate individuals appointed by the Governor of the State (or, at the option of the State, the State's drug use review board...)." In a December 22, 2006 e-mail related to this matter, Assistant Attorney General Rudolf L. Schreiber, Department of Health, stated that while the District has a drug use review board, the MAA prefers to use a dedicated committee.

³ The attachment reflects the revisions of Assistant Attorney General John J. Grimaldi, II, Legal Counsel Division.

⁴ The Office of Documents and Administrative Issuances has also approved the Order as to form.

Should you have any questions regarding this memorandum, please contact either Mr. Grimaldi at 724-5198, or me at 724-5524.

WCW/jjg

Attachment (as stated)